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June 15, 2020

Hon. Paul A. Engelmayer  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: United States v. Kintea Mckenzie**  
**18 CR.834 (PAE)**

Dear Judge Engelmayer:

I write to advise the Court that since my assignment as successive CJA counsel for Mr. Mckenzie I have, with the able assistance of my predecessor counsel Lisa Scolari, been diligently making efforts to bring myself up to speed in preparation for Mr. Mckenzie's sentencing.

While I have been making progress and will continue my preparation in the coming weeks, I respectfully suggest that the Court schedule a status conference for mid to late July in order for me to address the issue of a sentencing date to be held at the earliest time that will ensure new counsel's effectiveness and the safety of all parties considering the status of the COVID-19 pandemic and the Court's ability to conduct in court proceedings.


If granted, I respectfully request that the Court allow Mr. Mckenzie to continue on bond under his current release conditions. This will enable counsel to build an client-attorney relationship and allow Mr. Mckenzie to better assist me in my preparation. Remanding Mr. Mckenzie at this time will negatively impact on counsel's ability to build that relationship and adequately prepare for sentencing. According to Joshua Rothman, Mr. Mckenzie's Pre-Trial Officer, with whom I communicated with late last week, Mr. Mckenzie has been fully compliant since Mr. Rothman's last report to the Court on May 6, 2020. Additionally, Mr. Mckenzie's asthma still exposes him to risk of serious COVID-19 consequences in the difficult and challenging conditions present at the MCC and MDC facilities.

Again, I am hopeful that I will be able to report substantial progress in my preparation for sentencing at a status conference in mid to late July when there will be greater clarity as to the

state of the pandemic and the functioning of the courts.

Thank you for your consideration to this request and continued courtesies to counsel.

Respectfully submitted,

  
Richard H. Rosenberg

cc.: All parties by ECF, email

The Court adjourns Mr. McKenzie's sentencing until September 25, 2020 at 10:00 a.m., in recognition of defense counsel's request that sentencing not be held at a time when traveling to court may present heightened health risks to counsel. The Court does not presently see a need for a conference prior to sentencing. As to defense counsel's request for Mr. McKenzie's continued release on conditions of bail, the Court does not presently have occasion to assess the merits of an application for remand, as no such application has been made. The parties shall serve their sentencing submissions in accordance with this Court's Individual Rules & Practices in Criminal Cases. The Clerk of Court is requested to terminate the motion at Dkt. No. 499.

SO ORDERED.

6/18/2020

  
PAUL A. ENGELMAYER  
United States District Judge